

ORDER BELOW EXH. 4 IN M.A.C.P. NO. 211/2015

Kamalabai Devidas Thakare & ... Claimants  
Ors.  
V/s  
Parwal Buwaji Raut & Ors. ... Respondents

**ORDER**

1. The claimants have moved this petition seeking interim compensation of Rs.50,000/- under section 140 of the Motor Vehicles Act (for short, 'the Act'). According to them, on 22.03.2014 at about 1.30 in the afternoon The deceased was proceeding on kaccha road by feet from Kalwan to Vani side. In between, the offending vehicle maruti car bearing its registration no. MH-15 K-8580 came in a rash or negligent manner and dashed to him and thereby sustained injuries, for he succumbed to it.

2. Notice have been issued to respondent. Respondent in response to the notice appeared and filed his written statement vide exhibit 10 and denied the contents of the claimants, however, he admitted the offending vehicle belongs to him, by which an accident occurred. There is no insurance of the offending vehicle.

3. Heard Learned Counsels appearing for claimants. None appeared to advance the argument for respondent, hence the matter was taken up to be decided on its merit. Having regard to the facts

and circumstances of the case, the only point fallen for my consideration, for I record my finding to it with reasons given below.

**Points**

**Findings**

- |   |     |
|---|-----|
| i) Are claimants entitled to compensation as prayed for ? | Yes |
|---|-----|

**REASONS**

4. To substantiate their claim, the claimants are relying upon the documents viz. (i) F.I.R., (ii) complaint, (iii) Statement, (iv) Spot panchanama, (iii) R. C. Book, (vi) Inquest panchnama, (vii) postmortem report, (viii) cause of death certificate and (ix) death certificate of deceased.

5. At this particular point, it is not the business of the Court to look into as to who was negligent at the time of accident. In fact, the criteria for deciding such application are involvement of the vehicle in the accident. The police papers suggest that, the offending vehicle was involved in the said accident. Moreover, the respondent admitted that the offending vehicle belongs to him, which has been chargsheeted by the police. Thus, I find no hurdle in granting interim compensation on the basis of no fault liability, enumerated under section 140 of the Act. Thus, I answer it accordingly and proceed to

pass following order.

**Order**

- i) The application is allowed as follows.
- ii) The respondent Nos. 1 & 2 shall jointly and severally pay Rs. 50,000/- (Rs.Fifty Thousand only) to the claimants as an interim compensation within a month from the date of this order.
- iii) If the said amount is not deposited or paid within a month, the respondents shall pay interest @ 7.5% p.a. from the date of this order till its realization.
- iv) The amount, Rs.50,000/- shall be paid to claimant no.1.
- v) The amount be paid to claimants by way of account payee cheque.

Dt. 24.08.2016  
Nashik.

( M. S. Pathan )  
Member, M.A.C.T. Nashik.